

1 [PURSUANT TO LOCAL RULE 3-4(a)(1),
2 NAMES AND ADDRESSES OF COUNSEL
AND NAMES OF PARTIES APPEAR ON
SIGNATURE PAGE]
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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 SONY COMPUTER ENTERTAINMENT
AMERICA INC., a Delaware corporation,

12 Plaintiff,

13 v.
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15 DIVINEO INC., a Canadian corporation;
16 DIVINEO U.K., an entity of unknown form;
17 DIVINEO S.A.R.L., a French corporation,
doing business as Divineo Online; FREDERIC
18 LEGAULT, individually and doing business as
Divineo Inc.; MAX LOUARN, individually and
doing business as Divineo U.K., Divineo
S.A.R.L., and Divineo Online; and DOES 1
through 10,
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20 Defendants.
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Case No. C 04-4200 CW

E-FILING

**ORDER GRANTING AS MODIFIED
AMENDED STIPULATION MODIFYING
CASE MANAGEMENT SCHEDULE**

Judge: Hon. Claudia Wilken
Courtroom: 2, 4th Floor

Based on the Court's unavailability from June 2006 through August 2006, Sony Computer Entertainment America Inc. ("SCEA") and defendants Divineo Inc. and Frederic Legault (collectively, "Divineo") amend their earlier-filed Stipulation and Proposed Order Modifying Case Management Schedule, dated September 2, 2005.

On June 13, 2005, the Court continued the trial date in this case by three and one-half months – from July 31, 2006 to November 13, 2006 – and continued the Pretrial Conference by the same amount of time – from July 21, 2006 to November 3, 2006. See Docket No. 46. In addition, on July 18, 2005, the Court granted the parties' stipulated request to continue the mediation deadline by three months – from July 31, 2005 to October 31, 2005. See Docket No. 49. The Court has not modified any other deadlines.

Fact and expert discovery deadlines – as set forth in the original case management schedule – are approaching, yet trial does not commence for fourteen months based on the new trial date. In addition, several newly-added foreign defendants only recently have been served with the Amended Complaint; these foreign defendants have not yet made appearances in this case; and discovery has not commenced on these new defendants. The last day for the newly-added defendants to respond to the Amended Complaint occurs after the last day to serve written discovery (September 7, 2005). Accordingly, SCEA and Divineo request a five-month continuance of the deadlines for fact discovery and for filing dispositive motions. The parties seek a similar adjustment to the expert discovery deadlines.

IT IS, THEREFORE, STIPULATED by SCEA and Divineo, through their undersigned counsel and subject to the Court's approval, that the case management schedule be modified as follows:

PROPOSED CASE MANAGEMENT SCHEDULE

Mediation deadline:	October 31, 2005	
Fact discovery cutoff:	October 7, 2005 ?	March 10, 2006
Designation of initial experts:	October 17, 2005 ?	March 20, 2006
Initial expert disclosures:	November 14, 2005 ?	March 27, 2006
Rebuttal expert disclosures:	January 20, 2006 ?	April 21, 2006

Expert discovery cut-off: ~~February 17, 2006 ?~~ May 26, 2006

Briefing schedule for dispositive motions:

Last day for Defendants to file motion: ~~March 3, 2006 ?~~ June 23, 2006

Last day for Plaintiff to file opposition/cross motion: ~~March 17, 2006 ?~~ July 7, 2006

Last day for Defendants to file reply/opposition: ~~March 24, 2006 ?~~ July 14, 2006

Last day for Plaintiff to file surreply: ~~March 31, 2006 ?~~ July 21, 2006

Last day for hearing on dispositive motions: ~~April 14, 2006, 10:00 a.m. ?~~ SEE BELOW

Final Case Management Conference: ~~April 14, 2006, 10:00 a.m. ?~~ Sept. 8, 2006

Pretrial Conference: November 3, 2006, 1:30 p.m.

Four-day jury trial: November 13, 2006, 8:30 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED, EXCEPT THAT MOTIONS SHALL BE FILED ON JUNE 23, 2006, AND WILL BE DECIDED ON THE PAPERS OR SPECIALLY SET FOR HEARING.

DATED: 9/22/05 _____

/s/ CLAUDIA WILKEN

HON. CLAUDIA WILKEN
United States District Judge

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